#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4524 OF 2006

Rahim Mohammed Shaik @ Shannu .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Uday Warunjikar for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd December 2006

P.C.

. Mr.Warunjikar states that the applicant has been arrested in connection with C.R.No.562 of 2006 registered by Kothrud police station for

offences punishable under section 302, 307, 147 to 149, 120B and 109 of I.P.C. as well as section 3(25) of Arms Act.

2. The applicant is original accused No.17. When the applicant applied for bail in the trial court his application is opposed only on the ground that the applicant had assisted other accused in commission of crime by providing his Qualis car. The accused and deceased went in this car. Applicant accompanied them till the outskirts of Pune and thereafter provided the car for onward journey. If the applicant is released on bail at this crucial stage of investigation, he may abscond and may not be available at the trial. Mr.Warunjikar submits that the applicant has been residing all through out at the address mentioned in the cause title and has firm roots. Apart from that, he has undergone a medical treatment for his spinal problem. Applicant has been under arrest from 20th November 2006.

3. He submits that the applicant would abide by all such conditions as are imposed by this Court and the only apprehension appears to be of his absconding and not being available at the stage of trial.

4. Learned A.P.P. states that he has no instructions.

5. After the application and the annexures thereto are perused by me, in my view, even at this stage of investigations, considering the limited role that is attributed to the applicant viz., providing of vehicle, his case can be considered for bail. In the facts peculiar to him and the application being opposed only on the ground that he would abscond, by imposing appropriate conditions, bail can be granted.

6. Hence, following order:-

i) The applicant arrested in

connection with C.R.No.562 of 2006 registered with Kothrud Police Station shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer of Kothrud Police Station twice a week on every Thursday and Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed and thereafter, as directed by the trial court. The applicant not to leave Pune city without prior permission of the trial court. Applicant to deposit his passport, if any, with the I.O.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details

about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)